

REMARKS

In the application claims 53-69 remain pending, claims 1-52 having been cancelled. The claims as added find their support in the specification and figures as originally filed and no new matter has been added (*See* Figs. 2-8 and related text). By finding support within the specification and figures as originally filed, the newly presented claims comply with the requirements of 35 U.S.C. § 112.

It is respectfully submitted that the newly presented claims also comply with the requirements of 35 U.S.C. § 101. In this regard, each claim as a whole produces a “useful, concrete and tangible result.” *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F. 3d 1368, 1374, 47 USPQ2d 1596, 1601-02 (Fed. Cir. 1998). In particular, the claims are statutory since they are directed to, among other things, optimally controlling the transfer, storage and retrieval of data between a merchant site, a partner site, and a clearinghouse site via a communication network to facilitate e-commerce. *See* MPEP 2106.

It is further respectfully submitted that the newly presented claims are allowable over all art of record. It is first noted that each and every word of the claims now presented must be considered when determining the patentability of the claims, i.e., the claims have no elements that can be considered to be merely descriptive material that is not functionally involved in the steps recited. *See* MPEP 2106. When each and every word of the claims now presented is considered, the art of record, whether considered alone or in combination, cannot be said to disclose, teach, or suggest each and every element set forth in the claims. That Conklin (U.S. Patent No. 6,338,050) fails to disclose, teach, or suggest at least the claimed “using at the clearinghouse site the registration document by placing a second set of product data, extracted from the first set of product data stored in the clearinghouse database, into database fields that

comply with the database format specified in the registration document” has been acknowledged in the Office Action of April 28, 2004. That Fields (U.S. Patent No. 6,338,059), “EDI meets the Internet,” and Noble (U.S. Patent No. 5,634,053) cannot be said to disclose, teach, or suggest the now claimed invention has been discussed extensively in the past which discussion is incorporated herein in its entirety for the sake of providing brevity to this response.

CONCLUSION

It is respectfully submitted that the application is in good and proper form for allowance. Such action of the part of the Examiner is respectfully requested.

Should it be determined, however, that a telephone conference would expedite the prosecution of the subject application, the Examiner is respectfully requested to contact the attorney undersigned.

The Commissioner is authorized to charge any fee deficiency or credit overpayment to deposit account number 50-2428 in the name of Greenberg Traurig.

Respectfully Submitted,

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By: 

Gary R. Jarosik, Reg. No. 35,906
Greenberg Traurig, PC
77 West Wacker Drive, Suite 2500
Chicago, Illinois 60601
(312) 456-8449